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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,558	03/15/2004	Thomas A. Gregg	POU920010097US2	9800

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IBM Corporation
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EXAMINER

HUYNH, KIM NGOC

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,558

Applicant(s)

GREGG ET AL.

Examiner

Kim Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

The preamble reads "*A method for a computer system having a communication link processor and employing a FIFO buffer, comprising the steps of*" is misdescriptive.

"A method for a computer ..." does not make sense and "the steps" lacks antecedent basis. Does applicant mean "A method for controlling ... comprising steps of"?

The limitation "*controlling an asynchronous event storing and recording mechanism by discreet events into the FIFO ...*" does not make sense. Is the "asynchronous event storing and recording mechanism" the same as the "recording mechanism" referred later on in the claim? How can the mechanism being controlled by "discreet events into the FIFO"?

The limitation "*recording mechanism conditionally returning event and status information and conditionally increment the FIFO read pointer*" is also indefinite. It is

unclear of the recipient of the "event and status information". It is also unclear what applicant defines as "conditionally".

Claim 2, "the fullness indication" and "read information" lack antecedent basis.

Correction/clarification required.

3. The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagan et al. (US 5,966,547).

Claim 1, Hagan discloses an apparatus hence a method having recording mechanism (control logic) for posting entries (events) to a FIFO buffer (circular queue 112) having read and write pointers 206 and 208 for controlling the reading of events by the host processor (102/104) and posting of events (by the posting processor 108, col. 4, ll. 1-27); the recording mechanism causes the host processor to read the FIFO at the read pointer (interrupt from OS, Fig. 4, step 400) conditionally returns event and status information (interrupt flag to indicate whether the queue is empty/full) and conditionally

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increments the FIFO read pointers (after processing a queue entry, Fig. 4, step 412-414).

Claim 2, the fullness indication of the FIFO is returned in the read information as the value of the FIFO read and write pointer (the queue empty/full status is determined via the queue pointers, col. 3, ll. 39-47 and col. 4, ll. 31-34).

Claim 3, the system status returns a system status when the FIFO is completely empty and an event description when the FIFO has one or more valid entries (Fig. 4, queue is empty, step 416, and queue is not empty, step 412).

Claim 4, the processor instructs the recording mechanism to store multiple entries into the processor's main memory (multiple interrupt request serviced per a single interrupt signal, steps 408-414).

Allowable Subject Matter

6. Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims

7. The following is a statement of reasons for the indication of allowable subject matter: Claim 5 recites, inter alia, the processor can instruct the recording mechanism to store multiple entries in the processor's main memory without affect the state of the FIFO reader or writer pointers.

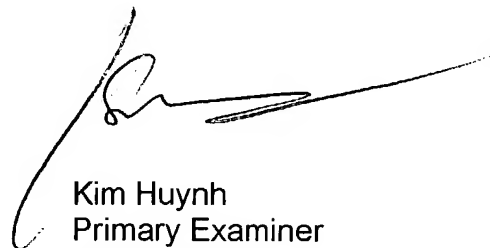
The references of record do not teach or suggest the aforementioned limitation, nor would it be obvious to modify those references to include such limitation.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bentz (US 2003/0034797), Short et al. (US 5,7-8,814) and Lui et al. (US 6,269,412) disclose various event recording systems.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703) 308-1678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kim Huynh
Primary Examiner
Art Unit 2182